

When are Interment Rights Considered Abandoned?

1. When can a lot be considered abandoned?

Under Section 49 of the *Funeral, Burial and Cremation Services Act, 2002*, if interment rights are sold and are not exercised within 20 years of the date of sale, a cemetery operator may, after 20 years has elapsed, apply to the registrar to declare the interment rights are abandoned.

2. What is required to declare rights abandoned?

The registrar from the BAO must be satisfied that the process to have the rights abandoned have been followed and can direct the applicant to give notice of the application to interment right holders and/or the public as seems reasonable in the circumstances. The Licensing Officers at the Bereavement Authority of Ontario can provide specific notice requirements.

3. What if a marker has already been installed?

A marker may be removed once the interment or scattering rights have been declared abandoned by the registrar. The Town will remove the marker, however the Town is required to keep the marker in storage at the Town's expense for a period of at least 20 years.

4. What happens when someone contacts the Town after the rights have been abandoned?

The Town may restore the rights if they have not been sold, or offer similar interment rights, or reimburse the claimant at the current market price. The registrar may order an operator to provide the applicant with various options under section 50(2) of the *Funeral, Burial and Cremation Services Act, 2002*.

5. Where are these requirements in the legislation?

Review section 49 and 50 of the *Funeral, Burial and Cremation Services Act, 2002*. The legislation can be accessed online at www.ontario.ca/laws

6. Who can I talk to at the Bereavement Authority of Ontario?

To discuss the process of declaring interment rights abandoned, appeal process or redress, contact a Licensing Officers at the BAO by phone 844.493.6356 or email info@thebao.ca

DID YOU KNOW?

The Province of Ontario in conjunction with the Consumer Protection Ontario provides information concerning arranging a funeral, burial, creation or scattering at <https://www.ontario.ca/page/arrange-funeral-burial-cremation-or-scattering>